

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF INDUSTRIAL ACCIDENTS
OFFICE OF EDUCATION AND VOCATIONAL REHABILITATION

**REQUEST FOR RESPONSES FOR APPROVAL AS
VOCATIONAL REHABILITATION PROVIDERS**

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INTRODUCTION

The Department of Industrial Accidents administers all aspects of the Massachusetts workers' compensation system pursuant to the provisions of M.G.L. c. 152. Effective December 10, 1985, the Office of Education and Vocational Rehabilitation (OEVR) was established as an office within the Department of Industrial Accidents to administer sections 30 to 30H of M.G.L. c. 152.

Pursuant to the provisions of § 30G, OEVR conducts mandatory meetings with injured workers in order to determine suitability for vocational rehabilitation services. Where appropriate, OEVR refers the injured workers for vocational rehabilitation services. The assigned approved vocational rehabilitation provider then develops and implements an Individual Written Rehabilitation Program (IWRP) with the approval of OEVR.

In accordance with the provisions of M.G.L. c. 152, § 30E, OEVR encourages voluntary agreements between claimants and insurers in respect to the provision of vocational rehabilitation services. Services agreed to by insurers and approved by OEVR are reimbursed by the insurer or self-insurer. However, in accordance with the provisions of § 30H, if OEVR determines that vocational rehabilitation services are required and the insurer refuses to pay for such services, funds from the Workers' Compensation Trust Fund (hereafter referred to as 'Trust Fund') established under M.G.L. c. 152, § 65(2) may be encumbered to pay for the approved program. If the approved program is deemed successful, the insurer or self-insurer will be required to reimburse the Trust Fund an amount no less than two times that expended by the Trust Fund for vocational rehabilitation services.

The objective of this Request For Responses (RFR) is to locate qualified vocational rehabilitation providers for the purpose of approving such providers for service to injured employees subject to the provisions of the Massachusetts workers' compensation law. All providers so approved shall be identified on a list compiled by OEVR on behalf of the Department. This public document shall be made available to all interested parties.

DESCRIPTION OF SERVICES

Vocational rehabilitation begins with an evaluation of an individual's potential for employment. The evaluation includes consideration of the employee's medical condition, functional limitations arising out of the work related injury, the existence of additional disabilities, medications taken, employment history, family constellation, transferable skills and employment prospects or goals.

The process of determining an applicant's suitability for vocational rehabilitation involves four additional factors:

- 1) the necessity of the rehabilitation,
- 2) the feasibility of the rehabilitation,
- 3) realistic and justified vocational goals and
- 4) the worker's commitment to pursue vocational rehabilitation

N.B. 'Necessity' and 'feasibility' are defined in the attached regulation 452 CMR 4.02.

When an applicant is found suitable for vocational rehabilitation services, he/she is ready to work with a rehabilitation provider on the development of an IWRP. The program can be as simple as a return to a prior job with a modified work site or in some instances as complex as training with a new prosthetic device on an adapted piece of equipment to a modified work space in a new occupation.

N.B. Excluded from this proposal for vocational rehabilitation services are medical management and treatment services for medical conditions.

RESTRICTIONS

Pursuant to 452 CMR 4.04(3), approved vocational rehabilitation providers who perform hypothetical labor market surveys or any other claim function for insurers, self-insurers, or members of a self-insurance group cannot provide vocational rehabilitation services on the same case.

SCOPE OF SERVICES

OEVVR, on behalf of the Department, seeks rehabilitation providers who can offer the following vocational rehabilitation services to claimants entitled to such benefits under M.G.L. c. 152, § 30H:

- Vocational assessment
- Work evaluation
- Job analysis
- Job modification
- Vocational counseling
- Job development and placement
- Other specialized vocational services

All providers are required to observe all applicable federal, state and local laws, regulations, and ordinances and to honor the client's rights to confidentiality.

Attendance at any training meetings or conferences held by OEVR is strongly recommended. Failure to so attend may negatively affect the provider's approved status.

PROVIDER QUALIFICATIONS

To initially qualify for approval, applicants must meet the organizational and professional requirements set forth in the above-cited regulations and this RFR. To subsequently qualify for approval, applicants must meet these same organizational and professional requirements as well as the annual evaluation criteria set forth below and in 452 CMR 4.04. Providers not meeting the annual evaluation criteria as set forth in 452 CMR 4.04 and this RFR may, at the discretion of the Department, provide services on a conditional basis, the terms of which will be set out and agreed upon by both parties in writing.

Rehabilitation providers in the public sector may become approved if they are a state vocational rehabilitation agency or employment and training agency which delivers vocational rehabilitation or placement services to persons with functional limitations. Rehabilitation providers in the private sector can include insurers, self-insurers, or private vocational rehabilitation organizations including corporations, partnerships, and sole proprietorships engaged in the provision of vocational rehabilitation services or direct job placement of persons with functional limitations.

In addition, personnel who will be providing the rehabilitation services **must** meet the qualifications set forth in 452 CMR 4.03(2). Those individuals who fail to meet the criteria set forth in the vocational rehabilitation regulations (452 CMR 4.00 et seq) may still qualify to provide services if they do not serve as the primary case manager and if they provide services only under the supervision of a qualified counselor. Such supervision includes co-signing any report or plan required by the OEVR. No supervised employee shall share his or her supervision with more than three (3) other such employees.

Providers **must** certify that all personnel in their employ who will provide vocational rehabilitation services meet the above criteria. To this end, evidence of education and experience through curriculum vitae and, where necessary, backup documentation (such as transcripts, licenses and diplomas) **must** be provided.

Personnel **must** be further described in the following manner: (ex. Organization A employs six vocational rehabilitation counselors. Two counselors qualify under the designation of certified rehabilitation counselor; two counselors qualify under the category of R.N. with three years experience and two qualify under the category of ten years work experience in vocational rehabilitation). A signed statement certifying veracity of the credentials must precede this staff description as provided for in Attachment III. Misrepresentation of any credentials may, at the discretion of the Department, constitute sufficient cause for the removal of a rehabilitation provider from the approved list of providers.

ANNUAL EVALUATION

The annual evaluation conducted by OEVR, on behalf of the Department, shall include an overall review of the quality and costs of services provided. Particular attention shall be paid to the achievement of program goals. OEVR will specifically examine the provider's work product, the timeliness and quality of services rendered as specified in the OEVR guidelines for providers, and the successful return to employment in accordance with the IWRP or program amendment.

OEVR, on behalf of the Department, may choose, at its discretion, to recertify applicants on a conditional basis who fail to achieve an overall satisfactory annual evaluation.

SERVICE REQUIREMENTS FOR ALL CASES

The Office of Education and Vocational Rehabilitation (OEVR) will expect a provider analysis and an IWRP to be submitted by the provider within ninety (90) days of each referral. Monthly progress reports are also expected to be filed every thirty (30) days.

Any and all filings, including IWRPs, must be on forms subject to the approval of OEVR.

The rehabilitation provider will provide quarterly statistics which shall include: the client's name, address, date of birth, date of injury, date of referral, DIA board no. if known or the social security no.

SERVICE REQUIREMENTS FOR TRUST FUND CASES

A letter authorizing commencement of services, signed by an OEVR officer, will accompany any referral from OEVR on behalf of the Department of Industrial Accidents (see: Attachment VI). Provider reports must include a comprehensive case analysis of the injured worker. This report shall consist of:

- a description of any possible obstacles to rehabilitation,
- a description of the claimant's financial and family concerns, level of motivation, personal interests and avocations.

Any discrepancies between the provider analysis and the initial interview conducted by the referring OEVR rehabilitation review officer should be discussed. If a discrepancy exists, the provider shall contact the referring OEVR officer for a case conference. This conference may be held via telephone.

Please note you must be a signatory to a Commonwealth Standard Service Contract in order to provide vocational rehabilitation services under Section 30H.

BILLING PROCEDURES FOR TRUST FUND CASES

1) Pursuant to the provisions of G.L. c. 29, § 29A, in no event shall a provider be reimbursed for services rendered prior to the date that the Request for Authorization of Services has been filed with the Division of Comptroller.

2) A completed and signed Commonwealth of Massachusetts Standard Service Contract **MUST** be in receipt and on file at the DIA for a provider to be selected and reimbursed for services.

3) Providers will be reimbursed monthly by submitting a payment voucher to the Department of Industrial Accidents.

N.B. Only those services that have been pre-approved by the Department will be paid.

4) Bills in excess of rates set by the Massachusetts Rate Setting Commission will not be reimbursed.

5) Professional time (currently \$70.00/hour) and mileage (currently \$.27/mile) will be the only charges reimbursed.

6) Tax identification numbers are to be included on all bills.

7) Reimbursable charges are described as follows:

a. Vocational Rehabilitation Case Management: The hourly rate should include professional services such as assessment, vocational counseling, plan development, vocational testing, placement and any cost of doing business during that hour. (Example: Developing a plan for vocational rehabilitation services utilizing six hours of professional time and making several telephone calls, xerox services, postage, etc.) An invoice and payment voucher must be completed along with your company invoice.

b. Transportation: Travel is reimbursable at an all-inclusive rate of twenty-seven cents (\$.27) per mile. It will be necessary to include mileage information and complete a Mileage Expense Voucher.

c. Training: Schools and Bookstores will be reimbursed directly for the cost of tuition and books and supplies.

d. Adaptive Devices and Equipment: This will be reimbursed in a similar manner as professional services. **PREAPPROVAL WITH PRIOR AUTHORIZATION** is still necessary and DIA payment voucher, DIA invoice, and company invoice must be completed and attached.

Please do not begin a service until you have received authorization from the Department's Finance and Accounting office.

RATES OF PAYMENT

All respondents must be willing to accept the rate established by the Rate Setting Commission for all services provided to vocational rehabilitation clients. If a provider has been selected to provide vocational rehabilitation services, the Office of Education and Vocational Rehabilitation will pay for those services at a rate of seventy dollars (\$70.00) per hour. This rate includes all incidental expenses. This rate will apply except for those services for which the Rate Setting Commission has already set a rate. In such instances the department will pay the rate set by Rate Setting.

SUBMISSIONS

The applicant Provider will be required to furnish OEVR with:

- 1) the name and address of legal counsel;
- 2) proof of professional liability insurance providing policy coverage in an amount of not less than one million dollars (\$1,000,000) per occurrence;
- 3) proof of workers' compensation insurance (where application);
- 4) an affirmative action plan (for all organizations other than sole proprietorships); and
- 5) current resume(s) of all key personnel.

NOTIFICATION

Respondents will be advised of their acceptance by letter. A complete list of approved providers will be made publicly available by the department. Approval as a provider does not necessarily mean that the DIA will refer to any particular approved provider for services. **Once approved, providers are required to immediately notice OEVR as to any and all material changes to their operation, including all changes relative to key personnel. Failure to provide such information shall be considered in respect to the continuation of the provider's approved status.**